

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN HAMILTON, JOHN HAMILTON
TRUSTEE OF THE JOHN L. HAMILTON RETAINED
ANNUITY TRUST, JOHN HAMILTON, JR.,
JEREMY HAMILTON, MICHAEL HAMILTON,
JO-BET, INC., d/b/a HENRY VIII SOUTH, THE
GARTER BELT, INC., d/b/a LEGG'S LOUNGE,
HAMILTON'S HENRY VIII SOUTH LOUNGE, INC., and
HAMILTON BOGART, INC., d/b/a BOGART'S JOINT,

Plaintiffs,

v.

Case No. 01-74698

STATE CASE

JENNIFER GRANHOLM,
DANIEL GUSTAFSON, MAXINE PERRY,
PHILLIP ARTHURHULTZ, MICHIGAN LIQUOR
CONTROL COMMISSION, and NIDA R. SAMONA,

HONORABLE AVERN COHN

Defendants.

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ORDER

This is a case under 42 U.S.C. § 1983. Plaintiffs sued various defendants claiming a violation of constitutional rights. The parties came before the Court on June 18, 2008 for a hearing on defendants' motion for summary judgment. This order memorializes Court's rulings at the hearing. It pertains only to the State Case.

1. Defendants Jennifer Granholm, Daniel Gustafson, Maxine Perry, Phillip Arthursultz, and Nida R. Samona are DISMISSED. The case continues against only the Michigan Liquor Control Commission (MLCC).
2. The sole plaintiff in this case is Michael Hamilton. The sole claim is that the MLCC violated his constitutional right of association under the 1st

Amendment and right to equal protection under the 14th Amendment in issuing a liquor license to him, currently in escrow, which contains a restriction that neither John L. Hamilton or Betty Hamilton can be involved in the operation or management of a business attached with the license. Michael Hamilton seeks a form of mandamus and injunctive relief in the form of issuance of a liquor license free of this restriction.

3. Plaintiff shall submit within twenty (20) days a freestanding copy of the license at issue and one (1) case which provides authority for plaintiff's position that a federal court may order the form of injunctive relief requested. The MLCC shall submit one (1) case in response within five (5) days thereafter.
5. Plaintiff shall file within twenty (20) days a Statement of Material Facts, not to exceed twenty (20) paragraphs, detailing the factual assertions which show there is a genuine issue of material fact as to this claim.
6. Plaintiff shall also file within twenty (20) days a proposed verdict form.
7. Any objections to this order shall be filed within five (5) days.

SO ORDERED.

Dated: June 19, 2008

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE